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Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago IL 60610

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OFFICE OF PETITIONS

In re Application of :
Oskielunas et al. : DECISION ON PETITION
Application No. 09/925,758 :
Filed: August 9, 2001 :
Attorney Docket No. 8567.US02 :

This is a decision on the REQUEST FOR RENEWED PETITION TO
WITHDRAW HOLDING OF ABANDONMENT filed July 3, 2008.

The above-identified application became abandoned effective
September 6, 2007 for failure to file a timely reply to the non-
final Office action mailed June 5, 2007. A reply was filed on
December 6, 2007, with a certificate of mailing dated December
4, 2007. However, the reply was not timely as the Deposit
Account was determined not to have sufficient funds to pay the
extension of time fee.

By decision mailed May 21, 2008, the initial petition to
withdraw the holding of abandonment filed April 4, 2008 was
dismissed. Petitioner did not provide persuasive evidence to
overcome the Office's conclusion that the Deposit Account did
not have sufficient funds to pay the \$1,050 extension of time
necessary to make the response timely.

On instant renewed petition, it is acknowledged that the Deposit
Account charged did not have sufficient funds. However,
petitioner points out that with the reply, an Information
Disclosure Statement (IDS) was filed that included a general

authorization to charge any required fees to another Deposit Account.

Petitioner's argument is persuasive. A review of the record confirms that an Information Disclosure Statement (IDS) was filed on December 6, 2007 (with a certificate of mailing dated December 4, 2007). This IDS included a general authorization to charge any fees that may be required at this time to Deposit Account No. 03-2412. Further, finance records for that Deposit Account for December 2007 support a conclusion that had the extension of time been presented for payment, the account would have had sufficient funds to pay the fee.

Pursuant to the authorization, the \$1,050 extension of time fee necessary to make the response timely is now being charged to Deposit Account No. 03-2412.

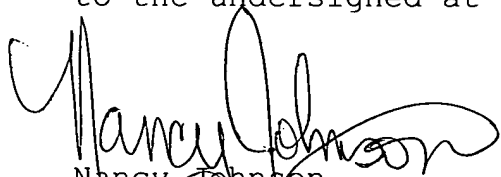
In view thereof, the Notice of Abandonment mailed December 12, 2007 and holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3692 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration of the amendment and IDS resubmitted on petition filed July 3, 2008 (copies of amendment and IDS filed December 6, 2007).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions